

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF VERMONT COMMUNITY ACCESS MEDIA

Vermont Community Access Media (VCAM) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. VCAM is a nonprofit community media organization in Burlington Vermont, operating five cable access channels for over 40,000 subscribers. We strongly oppose any conclusion that PEG channel capacity, remote PEG origination sites, access to program guides and other essential features of the cable system that allow our programming to be viewed, are franchise fees.

VCAM has had long-standing agreements with Comcast and Burlington Telecom and has been provided access to essential components of these cable systems for nearly two decades with the shared understanding that such obligations are not franchise fees. Should the fair market value of PEG access to the basic features of the cable system be considered franchise fees, our ability to provide important community programming related to local government, educational institutions, nonprofit organizations, faith-based groups, and other unique and valuable local matters will be irreparably harmed. A reclassification of in-kind contributions that in effect

reduces franchise fees maintained in long-standing agreements could be devastating to VCAM, all of the people we employ, and the tens of thousands of Vermonters we serve.

We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, VCAM provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. The link below is to a short series of videos that were produced for Community Media Day on October 20, 2018. In each of the videos you will hear the VCAM community describe the impact public access media has had on their lives and the

¹ FNPRM ¶ 21.

importance of free speech and accessible media for all. The video series is available for viewing here: <https://www.vermontcam.org/series/community-media-day>

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,

A handwritten signature in black ink that reads "Seth Mobley". The signature is written in a cursive, flowing style.

Seth Mobley
VCAM Executive Director

November 12, 2018